

Jan 04, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTONUNITED STATES OF AMERICA,  
Plaintiff,

-vs-

DONALD REED DANIELS,  
Defendant.

No. 2: 17-CR-0101-WFN-7

ORDER REDUCING SENTENCE

Pending before the Court is Defendant's Motion for Compassionate Release with Supervision. ECF No. 1458. Defendant has exhausted his claim with the Bureau of Prisons [BOP]. Defendant must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has demonstrated compelling reasons warranting a sentence reduction. Defendant's age increases his risk of hospitalization by at least 4 times and death by 30 times that of a person 18 – 29 years old if he contracts COVID-19. <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>. By the age of 65, the risk of death jumps to 60 times that of a person in their twenties. *Id.* Though Defendant suffers from some health issues, none increase his risk of death if he contracts COVID-19. Evidence demonstrates that he faces an increased chance of serious illness and death if he were to contract COVID-19. Defendant's current release date is November 30, 2021.

1 Defendant is not a danger to the safety of any other person or the community. He was  
2 convicted for distribution of controlled substances. He has no history of gun possession or  
3 violence. His prior DUI convictions cause the Court concern, but the most recent DUI  
4 occurred seven years ago. Consequently, the Court concludes that Defendant has presented  
5 compelling reasons for a modification of his sentence. The Court has reviewed the file and  
6 Motion and is fully informed. Accordingly,

7 **IT IS ORDERED** that:

8 1. Defendant's Motion for Compassionate Release with Supervision, filed  
9 November 2, 2020, **ECF No. 1458**, is **GRANTED**.

10 2. Defendant's sentence is amended to Time Served, with 6 years of supervised  
11 release as reflected in the concurrently filed Amended Judgment.

12 The District Court Executive is directed to file this Order and provide copies to  
13 counsel **AND TO** United States Probation Officer Cassandra Lerch.

14 **DATED** this 4th of January, 2021.

15 

16 \_\_\_\_\_  
WM. FREMMING NIELSEN  
17 SENIOR UNITED STATES DISTRICT JUDGE

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
12-29-20